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THE SYNOD OF DIAMPER REVISITED

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THE SYNOD OF DIAMPER: VALID OR INVALID?

INTRODUCTION

Three doctoral dissertations about the Synod of Diamper were defended in Rome in the twentieth century. Gregorio Magno Antão, a priest from the Archdiocese (patriarchate) of Goa defended his doctoral dissertation *Synodus Diamperitana* in 1938 at the Faculty of Canon Law of the Pontifical Gregorian University in Rome, which was published in 1952 from Goa, under the title *De Synodi Diamperitanae natura atque decretis*.¹ In this dissertation he endeavours to demonstrate that the Synod of Diamper is valid. In 1958 Jonas Thaliath defended his doctoral dissertation at the Section of Oriental Canon Law of the same Faculty at the Pontifical Oriental Institute in Rome, entitled *The Synod of Diamper*, refuting the arguments of Antão and trying to establish the invalidity of this Synod.² The third Dissertation, *The Disciplinary Legislation of the Synod of Diamper*, was submitted to the Canon Law Faculty of the Oriental Institute in 1975 by Joseph Kuzhinjalil. Though the scope of this thesis is to demonstrate that most of the disciplinary norms of the Synod were the fruit of ignorance concerning the Eastern liturgico-sacramental discipline and the indigenous customs and traditions of the St Thomas Christians, in the introductory chapter the author considers the invalidity of the Synod as an established fact.³ The Protestant and Eastern authors generally consider the Synod of Diamper invalid, while some Western authors without probing accurately into the facts, take its validity for granted, considering the greater good derived from this synod, which in their opinion consists in the "reduction of the St Thomas Christians to the Catholic faith and to the obedience of the

¹ G. M. Antão, *De Synodi Diamperitanae natura atque decretis*, Goa, 1952.

² J. Thaliath, *The Synod of Diamper*, (Orientalia Christiana Analecta, 152), Rome 1958. I am specially indebted to Thaliath for the articulation of my arguments. It is remarkable that even J. Wicki has not put forward any valid argument to refute the conclusions of Thaliath. See his article, "Die Synoden der Thomaschristen (auch Syromalabaren genannt)," *Annuario Historiae Conciliorum* 18/2 (1986) 433-438.

³ J. Kuzhinjalil, *The Disciplinary Legislation of the Synod of Diamper*, (Unpublished doctoral dissertation: Pontifical Oriental Institute), Rome, 1975, 21-23.

Roman Pontiff."⁴ In this article, we shall try to evaluate as objectively as possible the various circumstances and historical facts which will permit us to arrive at a correct judgement about the validity or invalidity of this synod.⁵

1. THE JURIDICAL NATURE OF THE SYNOD OF DIAMPER

In order to consider the validity or invalidity of the Synod of Diamper, it is necessary to determine the juridical nature of this Synod. From the time of the apostolic council of Jerusalem itself different kinds of synods, councils and assemblies began to emerge both in the East and the West. In the East there developed provincial synods, patriarchal synods and the Permanent Synod of the Church of Constantinople. In the West, although there were a few synods of a patriarchal character in which some bishops from the whole Latin Church participated, gradually they gave way to national councils or plenary councils. Naturally provincial councils or metropolitan synods existed also in the West.⁶

The diocesan synod of the Latin Church originated only in the ninth century. No reference can be found in the "sacred canons" of the first millennium regarding the celebration of such synods. Though some diocesan synods took place from the IX century onwards,⁷ it is the Fourth Lateran Council (1215) which for the first time ruled that bishops have to see to the observance of the things that they decree in the provincial synods, publishing them "in episcopal synods which are to be held annually in each diocese."⁸ The norms for the convocation and celebration of diocesan synods were confirmed by the Council of Basel – Ferrara – Florence – Rome

⁴ For an overview of the positions of various authors until 1975, see J. Wicki, "Die Synode von Diamper in Malabar (1599) und ihre Beurteilung (1600-1975)," *Annuaire Historiae Conciliorum* 1-2 (1977) 190-205.

⁵ Since the scope of the present study is only to evaluate the validity or invalidity of the Synod of Diamper at the time of its celebration, we consider neither the impact of the synodal decisions on the Christian community during the four succeeding centuries nor the canonical status of the customs and particular laws stemming from the decrees and canons of this synod.

⁶ See P. Pallath, *Local Episcopal Bodies in East and West*, OIRSI, Kottayam 1997, 24-90.

⁷ W. Plöchl, *Storia del diritto canonico*, vol. 1, 366.

⁸ Fourth Lateran Council (1215), Constitution 6, Norman. P. Tanner, ed., *Decrees of the Ecumenical Councils*, vol. 1, 236-237.

(1431-1445) and the Council of Trent (1545-1563).⁹ After the council of Trent, Pope Benedict XIV (1740-1758) published his comprehensive work entitled *De Synodo Dioecessana* which treats the nature, structure, membership and all other aspects of the diocesan synod. The diocesan synod (at the time of Diamper) may be described as an assembly of the representatives of the priests, religious and sometimes of the lay faithful, convoked and presided over by the diocesan bishop.¹⁰ Since the only legislator or law giver in a diocesan synod (at that time and even today) is the diocesan bishop, the role of other participants is merely to discuss the matters on the agenda and to express their opinion even through a vote, which has only a consultative value.¹¹

In the patriarchal synods, metropolitan synods and permanent synods of the East, as well as in the regional, national or plenary councils and provincial synods of the West more than one diocesan bishop participate (bishops of a province, patriarchate or nation), but in the diocesan synod only the diocesan bishop, the head of the diocese (at present together with the auxiliaries, if any) will be present.

The Synod of Diamper convoked and presided over by Alexis de Menezes, the Archbishop of Goa, is to be considered a diocesan synod presumably in accordance with the canonical norms of the Latin Church at that time. The only bishop present in the Synod was Menezes and he was the sole legislator in the Synod, although the archdeacon, and representatives of the clergy and laity attended it. Even though the see of St Thomas Christians was considered a metropolitan Church, any synod celebrated for this Church in 1599 could not but be a diocesan synod, because it was not canonically divided into suffragan sees.

It is evident that Menezes himself understood this synod only as a diocesan synod. In the convocation letter itself Menezes designates the Synod of Diamper as a diocesan synod three times: "to assemble a diocesan synod in some convenient place," "We do call and assemble a diocesan synod in the said town of Diamper," "to celebrate a dioce-

⁹ The Council of Basel – Ferrara – Florence – Rome, Session 15 (26-November 1433): see Tanner, *ibid.*, p. 473; Council of Trent, Session 24, canon 2: see Norman P. Tanner, *Decrees of the Ecumenical Councils*, vol. 2, 761.

¹⁰ Benedict XIV, *De Synodo Dioecessana*, lib. I, cap. 1, n. 4 & lib. III, cap. 1-9; D. Bouix, *Tractatus de Episcopo*, ubi et de *Synodo Dioecessana*, vol. 2, Parisiis 1859, 348.

¹¹ Benedict XIV, *De Synodo Dioecessana*, lib. XIII, cap. 1-2.

san synod conformable to the holy canons.”¹² The minutes of the opening session of the Synod held on 20 June 1599 states: “in the bishopric of Angamaly of the Christians of St Thomas in the Serra of Malabar ... there assembled in a diocesan synod according to the holy canons”¹³ Similarly in the decrees wherever the nature of the assembly is to be specified it is referred to as a “diocesan synod.”¹⁴ In 1606, when Gouvea, the historian of Menezes, published the acts and decrees of the synod in Portuguese, he entitled the book: *Synodo Diocesano, de Igreja e bispado de Angamale dos antigos christãos de Sam Thome....* Raulin repeated the same in his Latin translation published in 1745: “Synodus Dioecesana Ecclesiae et Episcopatus Angamalensis Antiquorum Christianorum Sancti Thomae...” From all this we can conclude that it is beyond doubt that the Synod of Diamper was a diocesan synod.

2. THE TITLES CLAIMED BY MENEZES FOR CONVOKING THE SYNOD OF DIAMPER

In order to know the titles claimed by Menezes we have to examine the official convocation letter of the Synod and the opening address of Menezes in which he explains his faculty to convoke the Synod and set forth its objectives. In the convocation letter addressed to “the Reverend in Christ, Father George, Archdeacon of the Christians of St Thomas in the Serra of the Kingdom of Malabar, and to all other priests, curates, deacons and subdeacons, and to all towns, villages, and hamlets, and to all Christian people of the said bishopric,” Menezes refers to his authority to convoke the Synod in the following words:

We give you all, and every one of you in particular to understand, that the most Holy Father Pope Clement VIII, our Lord Bishop of Rome, and Vicar of Our Lord Jesus Christ upon earth, at this time presiding in the Church of God; having sent two briefs directed to Us, one of the 27th of January in the year 1595, and the other of the 21st of the same month, in the Year 1597; in which, by virtue of his pastoral Office, and the universal

¹² The convocation letter may be found in A. De Gouvea, *Synodo Diocesano da Igreja e bispado de Angamale dos antigos christãos de Sam Thome das Serras do Malavar das partes da India Oriental*, Coimbra, 1606, ff. 1-3, Eng. tr. M. Geddes, *The History of the Church of Malabar, Together with the Synod of Diamper*, London 1694, 89-96.

¹³ A. De Gouvea, *Synodo Diocesano da Igreja e bispado de Angamale ...*, f. 3.

¹⁴ Synod of Diamper, session 1, decree 1; session II, decree 1, session IX, decree 25.

power bequeathed to the Supreme, Holy and Apostolic Chair of St. Peter over all the Churches in the world by Jesus Christ the Son of God our Lord and Redeemer, he commanded us upon the death of the Archbishop Mar Abraham to take possession of this Church and Bishopric, so as not to suffer any bishop or Prelate coming from Babylon, to enter therein, as has been hitherto the custom, all that come from thence being schismatics, heretics, and Nestorians, out of the obedience of the Holy Roman Church and subject to the patriarch of Babylon, the head of the said heresy; ...which being read by Us, we were desirous to execute the apostolic mandates with due reverence and obedience; besides, that the same was incumbent on us of right (the said Church having no Chapter to take care of it during the vacancy of the See) as Metropolitan and Primate of this and all the other Churches of the Indies, and the Oriental Parts.¹⁵

The Synod of Diamper began on Sunday, 20 June 1599 after the Holy Mass. Gouvea, the Portuguese historian, gives the minutes of the opening session of the Synod before the first decree. Gouvea affirms:

... the Mass being ended, he (Menezes) re-invested himself in his pontifical robes, and read the Office for the beginning of a Synod, as it is in the Roman Pontifical; which being over, and the Metropolitan seated in his chair, with all the ecclesiastics and secular procurators about him in their order, he told them that he celebrated this holy synod by virtue of two Briefs of the Holy Father our Lord, Pope Clement VIII, in which His Holiness had recommended to him the government of that Church, after the death of the Archbishop, Mar Abraham, until such time as it should be provided of a pastor and prelate; besides that the same belonged to him as the Metropolitan thereof, and Primate of the Indies, and all the oriental parts, by the canons, the see thereof being vacant, and it having no Chapter to take care of it during the vacancy.¹⁶

Since the validity or invalidity of the Synod of Diamper depends primarily on the question whether the one who convoked and conducted the Synod had the authority or legitimate canonical title to do so, we consider briefly the objectivity of the three titles claimed in the convocation letter and mentioned in the minutes of the opening session.

¹⁵ A. De Gouvea, *Synodo Diocesano da Igreja e bispado de Angamale* ..., f. 1; Eng. tr. M. Geddes, *The History of the Church of Malabar*..., 89-90.

¹⁶ Gouvea, *Synodo Diocesano*, f. 2; Eng. tr. M. Geddes, *The History of the Church of Malabar* ..., 98-99.

2.1. *The Authority of Menezes as the Metropolitan of the St Thomas Christians*

1. Menezes claims that he is the metropolitan of the St Thomas Christians (the Archdiocese of Angamaly) and therefore he has the right to convoke the Synod of Diamper according to the canons of the Church. In the convocation letter we read "... besides, that the same was incumbent on us of right (the said Church having no Chapter to take care of it during the vacancy of the See) *as Metropolitan* (and Primate) *of this* and all the other Churches of the Indies...." Similarly in the minutes of the opening session it is stated: "...besides that the same belonged to him as the Metropolitan thereof...." In brief, Menezes and Gouvea consider the Diocese of Angamaly as a suffragan of the Archdiocese of Goa and therefore Menezes as the legitimate metropolitan of the St Thomas Christians.

We shall now examine whether the Archdiocese of Angamaly was a suffragan of the Archdiocese of Goa at the time of the Synod of Diamper. Since there was no Latin diocese in India when the Portuguese came in the beginning of the sixteenth century, the whole of India was placed under the jurisdiction of the Diocese of Funchal in Portugal (and also all other places which Portugal would explore in the future), erected in 1514.¹⁷ On 3 November 1534 Pope Paul III through the Bull *Aequum reputamus* separated Goa from Funchal, and erected the first Latin diocese in India, as a suffragan of Funchal. The territory of Goa stretched from the Cape of Good Hope in South Africa to China in East Asia.¹⁸ The first bishop of Goa was the Franciscan Juan de Albuquerque who was nominated in 1538 and installed in Goa in 1539.¹⁹ Until 1557 Goa was the only Latin diocese in India and all the Latin Christians were under its jurisdiction. On 4 February 1557 by the apostolic constitution *Etsi sancta et immaculata* Pope Paul IV (1555-1559) elevated Goa to an archdiocese and erected the Diocese of Cochin in Kerala and the Diocese of Malacca in Singapore as its suffragan sees. However, the Archdiocese of Angamaly,

¹⁷ *Bullarium Patronatus Portugalliae*, 1, 100. Before the erection of Funchal India was under the jurisdiction of the Prior of the Military Order of Christ who used to send Vicars General to India. See, A. Meersman, "Origin of the Latin Hierarchy in India," *Clergy Monthly* 5 (1960) 72-73.

¹⁸ *Bullarium Patronatus Portugalliae*, vol. 1, 148.

¹⁹ Don Francisco de Melo, who was appointed bishop of Goa and was consecrated at Lisbon in 1536, could be considered as the first bishop of Goa, though he died before setting sail for India.

which was under the jurisdiction of the Chaldean patriarch, was not included among the suffragans of Goa.²⁰ Hence at the time of the Synod of Diamper (1599) there were only two Latin dioceses in India: the Archdiocese of Goa and its suffragan, the Diocese of Cochin.²¹

The see of St Thomas in India existed from the very first century. At the time of the Synod of Diamper the residence of the "Metropolitan of All India" was in Angamaly and therefore the see of the St Thomas Christians was designated the Archdiocese of Angamaly. From time immemorial the Chaldean patriarch used to nominate bishops for India. The last bishop sent by the Chaldean patriarch was Mar Abraham.

After the Synod of Diamper, on 5 November 1599 Pope Clement VIII appointed Francis Ros S.J. (the first Latin Bishop of the St Thomas Christians), a friend of Dom Menezes, as successor to Metropolitan Mar Abraham. On 20 December 1599 Pope Clement VIII reduced the Archdiocese of Angamaly to the status of a simple diocese and made it a suffragan of the Archdiocese of Goa.²² On 4 August 1600 the same Pope extended also the patronage of the king of Portugal over the Diocese of Angamaly with the brief *In supremo militantis*.²³

The Synod of Diamper took place from 20 to 25 June 1599. The Archdiocese of Angamaly was made a suffragan of the Archdiocese of Goa only on 20 December 1599, that is, six months after the Synod of Diamper. Evidently at the time of the Synod of Diamper the Diocese of Angamaly was not a suffragan of the Archdiocese of Goa. Consequently Archbishop Menezes was not the metropolitan of the St Thomas Christians and he did not enjoy any metropolitan right over the Archdiocese of Angamaly. Regarding this point there is no dispute. Even those who defended the validity of the Synod of Diamper admit that Menezes was not the metropolitan of the St Thomas

²⁰ *Bullarium Patronatus Portugalliae*, vol. 1, 191, 193, 196. In the course of time Macau in China (1576), Funay in Japan (1588), Mylapore (1606), the prelacy of Mozambique in East Africa (1612) Peking and Nanking in China (1690) were erected as suffragans of Goa.

²¹ It was only on 9 January 1606 the Diocese of Cochin was bifurcated and the Diocese of Mylapore (the third latin diocese in India) consisting of Coromandel Coast, Orissa, Bengal and Pegu was erected. No other diocese was erected in India until the nineteenth century.

²² Paulinus A S. Bartholomaeo, *India Orientalis Christiana*, Romae 1794, 61; cf. *Bullarium Patronatus Portugalliae*, vol. 1, 260.

²³ *Bullarium Patronatus Portugalliae*, vol. 1, 260.

Christians at the time of the Synod. For example, Antão Gregorio Magno states:

Attamen jam supra vidimus Ecclesiam Angamalensem, tempore celebrationis Synodi Diamperensis, non fuisse suffraganeam Goae. Concludendum ergo est: facultas qua celebrata Synodus Dimapertana non est quaerenda in potestate Archiepiscopi Metropolitanis, qua praeditus erat Alexius de Menezes; sed eruenda ex alio fonte...²⁴

Even if the Diocese of Angamaly were a suffragan of Goa and Menezes were its legitimate metropolitan he could not have convoked the Synod of Diamper, because the canon law of that time did not permit a metropolitan to convene a diocesan synod in a suffragan see when that see was vacant. So is the law even today. The competence of the metropolitan is limited to nominating an administrator if the Cathedral Chapter has failed to do so, or if a Chapter does not exist in a particular diocese, nor is there any other legitimate custom or tradition for the nomination of the administrator. It is to be noted that cathedral chapter is something unknown in the whole Christian Orient.²⁵

2.2. *The Faculty of Menezes to Convoke the Synod as the Primate of the East Indies*

Both in the convocation letter and in the minutes of the first session it is claimed that the right to convoke the Synod of Diamper was incumbent on Menezes also as the "Primate of this and all the other Churches of the Indies, and the Oriental Parts." It is true that on 15 March 1572 Pope Gregory XIII by the bull *Pastoralis Officii Cura* recognized Menezes as the primate of the East Indies.²⁶ However, such primacy at that time did not carry with it any power of governance in the Latin Church, apart from the prerogative of honour. So is the law even today.²⁷ With regard to jurisdiction the power of pri-

²⁴ G. M. Antão, *De Synodi Diamperitanae natura atque decretis*, 40.

²⁵ For a detailed analysis of this question, see Thaliath, *The Synod of Diamper*, 62-68.

²⁶ *Bullarium Patronatus Portugalliae*, vol. 1, 232.

²⁷ F. Wernz, *Ius Decretalium*, tom. III/2, Rome 1906, 484-489; Wernz - Vidal, *Ius Canonicum*, tom. II, De Personis, Rome 1928, n. 527; F. Cleys Bouuaert, "Primat", *DDC* VII, 214; E. F. Regatillo, *Institutiones Iuris Canonici*, I, ed. 5, Salterae 1956, 317-320; A. Vermeersch - J. Creusen, *Epitome Iuris Canonici*, tom I, ed. 8, Romae 1963, 352; Antão, *De Synodi Diamperitanae natura atque decretis*, 35. The law has remained unchanged till today: see CIC 1917 c. 271 and CIC 1983 c. 438.

mates was equal to that of other metropolitans. In brief, the prerogatives of Menezes as the primate of the East Indies did not grant him any jurisdictional power to intervene in the affairs of another diocese, nor to convoke a synod there. Hence I readily agree with the conclusion of Antão, who as I pointed out, defended the validity of the synod but on other grounds: "Ideo concludendum rationem auctoritatis non esse in Primatialitate Ecclesiae Goanensis ad convocandum et celebrandum Synodum Diamperensem collocandam."²⁸ Since there is no dispute regarding this point, we pass on to the next one.

2.3. *The Competence of Menezes to Convoke the Synod on the Basis of the Faculty Granted to Him by Pope Clement VIII in the Two Letters*

2. Menezes claims the faculty to convoke the Synod of Diamper on the basis of two briefs sent to him by Pope Clement the VIII on 27 January 1595 and on 21 January 1597, respectively. In the convocation letter he states: "the most Holy Father Pope Clement VIII ... having sent two briefs directed to Us, he commanded us upon the death of the Archbishop Mar Abraham to take possession of this Church ... which being read by Us, we were desirous to execute the apostolic mandates with due reverence and obedience" Similarly in the minutes of the opening session of the Synod it is affirmed that "He (Menezes) celebrated this holy synod by virtue of two Briefs of the Holy Father our Lord, Pope Clement VIII, in which His Holiness had recommended to him the government of that Church, after the death of the Archbishop, Mar Abraham" It is important to note that Gouvea indicated the faculty of Menezes to convoke the Synod even in the subtitle of his book, which in English reads: "A Diocesan Synod ... celebrated by the most Reverend Lord Dom Frey Aleixo de Menezes, Archbishop, Metropolitan of Goa, Primate of the East Indies by virtue of the two Briefs of the most Holy Father Pope Clement VIII...." We analyse these two letters in order to ascertain whether the mandate for the convocation of the Synod of Diamper is contained in them as stated above.

2.3.1. The Contents of the Two Letters

The contents of these letters cannot be understood without reference to their context. Mar Abraham was a Catholic bishop, canonically

²⁸ G. M. Antão, *De Synodi Diamperitanae natura atque decretis*, 35.

cally nominated by the Chaldean Catholic Patriarch Mar Abdiso (1555-1571), who received ecclesiastical communion and Pallium from Pope Pius IV.²⁹ Mar Abraham first reached Kerala in 1557. He was arrested by the Portuguese military in 1558 and was brought in custody to Goa to be deported to Lisbon in Portugal. But on the way to Portugal, when the ship anchored in Mozambique he eluded his guards and escaped to Ormuz, from where he made his way to Mozul. Patriarch Abdiso, who had received assurances from the Pope about his jurisdiction over the St Thomas Christians, sent Mar Abraham to Rome with testimonial letters. In Rome the Chaldean bishop made the profession of faith and obtained two recommendation letters signed by the Pope himself dated 28 February 1565, addressed to the Archbishop of Goa and to the Bishop of Cochin, respectively.³⁰ In these letters the Pope categorically and explicitly confirmed the jurisdiction of the Chaldean patriarch over the St Thomas Christians and asked the Archbishop of Goa and the Bishop of Cochin not to hinder Mar Abraham in any way in the administration of the diocese assigned to him by his patriarch.³¹ The Pope also sent a letter to patriarch Mar Abdiso on 23 February 1565 reconfirming his jurisdiction in Malabar.³²

When Mar Abraham reached Goa in 1568 with the letters of the Pope he was detained in the Dominican monastery of Goa on suspicion that either he might have deceived the Roman Curia or falsified the letters. A few months later he escaped from Goa and reached Kerala. After a few years of peaceful co-existence, the relationship between Mar Abraham and the Portuguese missionaries worsened mainly due to the attempts of westernization of the St Thomas Christians. Many letters reached Rome in which Mar Abraham was accused of immorality, heresy and simony. Authorization was also requested from the Pope to deport Mar Abraham to Goa for conducting

²⁹ For the history of Mar Abraham see: P. J. Podipara, *The Hierarchy of the Syro-Malabar Church*, Alleppey 1976, 64-82; E. Tisserant, *Eastern Christianity in India*, Bombay 1957, 40-47; Bernard Thoma, *Marthoma Christianikal* (Malayalam), Kottayam 1992, 313-349; G. Beltrami, *La Chiesa caldea nel secolo dell'Unione*, *Orientalia Christiana* XXIX, Roma 1933, 94-119.

³⁰ These letters can be found in S. Giamil, *Genuinae Relationes inter Sedem Apostolicam et Assyriorum Orientalium seu Chaldaeorum Ecclesiam*, Romae 1902, 69-73.

³¹ Cf. S. Giamil, *Genuinae Relationes*, 69-73.

³² S. Giamil, *Genuinae Relationes*, 69.

a trial against him regarding the accusations indicated above. Finally on 27 January 1595, Pope Clement VIII issued the following letter.³³

Venerabili fratri archiepiscopo Goano. Clemens Papa VIII.

Pope Clement VIII, To our Venerable Brother Archbishop of Goa.

Venerabilis frater, salutem et apostolicam benedictionem.

Venerable Brother, greetings and Apostolic blessing.

Nuper non sine animi nostri dolore ad nos perlatum est Mar Abraham archiepiscopum Angamalensem in regno Concini et in Malabari seu Indiis sancti Thomae apostoli — qui alias catholicam doctrinam amplexus Apostolicae Sedi obedientiam praestitit ac in synodo provinciali Goana de reductione ad catholicam fidem eiusdemque Sedis obedientiam universae ipsius dioecesis tractavit — novissime in recidivos Nestorianae haeresis errores misere prolapsus fuisse, nec monitum respicere voluisse, minusque permisisse libros caldaicos eisdem erroribus refertos qui in eius dioecesis et provinciae ecclesiis leguntur emendari et corrigi, ac praeterea plures simonias commisisse. Nos qui ob iniuncti nobis apostolici muneris debitum in eam potissimum curam et sollicitudinem incumbere tenemur, ut ecclesiarum pastores, praesertim in tam remotis ab Apostolica Sede regionibus, sanam doctrinam teneant et commissas sibi oves catholicae doctrinae salutari pabulo reficiant et pascant, in praemissis ea qua decet ratione consulere volentes ac de tua fide, integritate ac catholicae religionis zelo plurimum in Domino confisi, fraternitati tuae per praesentes committimus et mandamus ut in ip-

Recently and not without the fact causing us great sorrow, it was referred to us that Mar Abraham, the Archbishop of Angamaly in the Kingdom of Cochin and Malabar or in the Indies of St Thomas the Apostle, — who on another occasion accepted the Catholic doctrine and offered obedience to the Apostolic See and in the provincial synod of Goa agreed to a reduction to the Catholic faith and obedience of his whole diocese to the same See — has in recent times miserably relapsed into the errors of the Nestorian heresy, has not wished to heed any warning, has not even allowed the Chaldean books filled with the same errors which are read in the churches of his diocese and province to be emended and corrected, and moreover he has committed various acts of simony. On account of the responsibility of our Apostolic office we are particularly bound to regard this Church with care and solicitude, so that the pastors of the Church, specially in those regions which are so far away from the Holy See, may preserve the correct doctrine and may restore and nurture (revive) with the health-giving food of the Catholic doctrine the flock which has been entrusted to them, and wishing first of all to advise what is becoming to rea-

³³ This letter can be found in *Archivio Brevi Apostolici*, vol. 223, f. 89^{sq}; printed versions, *Subsidium ad Bullarium Patronatus Portugalliae* ..., Allappe [Alleppey] 1903, 9-10; Gouvea, *Jornada do Arcebispo de Goa*, 10; Beltrami, *La Chiesa caldea*, 248-249.

sus Mar Abrahae vitam, mores, et doctrinam diligenter inquiras et, si per inquisitionem huiusmodi illum in praemissis culpabilem esse repereris, illum ad te Goam venire iubeas et facias, ibique sub tuta et honesta custodia retineas, et processus per te faciendi exemplum in authentica forma ad nos et Apostolicam Sedem transmittas ut, ipso processu diligenter inspecto et examinato, ipsius Mar Abrahae archiepiscopi causam prout iustum fuerit terminare valeamus. Interim vero ne ecclesia, dioecesis et provincia praedictae Angamalensis, ipso archiepiscopo absente et erroribus implicato, in spiritualibus vel temporalibus aliqua patiantur detrimenta, in eadem ecclesia et diocesi personam aliquam ecclesiasticam ex ritu latino qui si fieri possit linguam caldeam seu syriacam calleat, in vicarium apostolicum cum facultate ea omnia quae iurisdictionis sunt non autem ordinis faciendi deputes et constituas, ac illum toties quoties expedire iudicaveris removeas et alium semel et pluries in eius locum surroges et denuo deputes et constituas; nec absente aut decedente ipso Mar Abraha archiepiscopo, alium archiepiscopum eligi vel quomodo deputari aut ibidem admitti permittas, nisi quem Apostolica Sedes iuxta decretum praefatae synodi provincialis Goanae, ab ipso Mar Abraha eiusque ecclesia et diocesi acceptatum, elegerit. Si quos vero alios quoscumque in dioecesi et provincia praedictis similis erroris labe irretitos reperiri contingat, in eos per te aut Vicarium Apostolicum, a te ut praescribitur deputandum, inquiras et procedas seu inquiri et procedi facias iuxta canonicas sanctiones. Super quibus omnibus et singulis plenam et amplam tibi facultatem et auctoritatem

son, confident in the Lord of your faith, integrity and zeal for the Catholic religion, with this missive we entrust to you our brother and give order that you inquire diligently into the life, morals and doctrine of Mar Abraham and from this inquiry if you find him guilty regarding the above, you shall order him and make him come to Goa and thither you shall keep him in safe and distinguished custody and transmit to us and the Apostolic See an authentic copy of the trial to be conducted by you, so that after the process itself has been diligently inspected and examined, we may be able to settle the case of the Archbishop Mar Abraham as justice requires. In the meantime, lest the Church, diocese and province of the aforesaid Angamaly, since its archbishop is absent and implicated in errors, may suffer any damage in spiritual or temporal matters, you shall appoint and constitute in that same Church an ecclesiastical person of the Latin rite who, if possible, is well versed in the Chaldean or Syriac tongues, to be Vicar Apostolic with the faculty of attending to all those matters concerning jurisdiction but not of conducting Ordinations. You shall remove him as often as you judge it is expedient and you shall duly substitute, nominate and constitute another one in his place once or many times. When the same Archbishop Mar Abraham is absent or after his death you shall not allow another archbishop to be elected, somehow deputed or be admitted except for the man whom the Apostolic See, according to the decree of the aforesaid provincial synod of Goa which was accepted by Mar Abraham himself and his church and diocese, will have elected. Moreover, if it were to occur that any others in the aforesaid diocese and

apostolica auctoritate tenore praesentium concedimus et impartimur. Non obstantibus quibusvis apostolicis ac in provincialibus et in synodalibus conciliis editis generalibus vel specialibus constitutionibus et ordinationibus ac nominatim concilii Tridentini decreto, quo disponitur quod processus etiam informativi contra episcopos formari non possint nisi vigore commissionis manu propria Romani Pontificis signatae; necnon praedictae ecclesiae Angamalensis etiam iuramento, confirmatione apostolica vel quavis firmitate alia roboratis statutis et consuetudinibus ac privilegiis, indultis et litteris apostolicis in contrarium praemissorum quomodolibet concessis, confirmatis et approbatis. Quibus omnibus, illorum tenores praesentibus pro expressis habentes, hac vice dumtaxat specialiter et expresse derogamus, ceterisque contrariis quibuscumque. Volumus autem ut praesentium transumptis, manu alicuius notarii publici subscriptis et sigillo alicuius personae in dignitate ecclesiastica constitutae munitis, eadem quae praesentibus ipsis fides adhibeatur. Datum Romae, apud Sanctum Petrum etc., die 27 ianuarii 1595. Anno tertio.

diocese and province were to be found to have been ensnared by the stain of similar errors, you or the Vicar Apostolic, who must be appointed as prescribed above, shall hold an inquiry about them and proceed (or you shall arrange that others do the same) according to canonical sanctions. For all these and each of the matters, by our Apostolic authority and the contents of this letter, we concede and bestow upon you full and ample faculty and authority. Notwithstanding.... Given in Rome, at St. Peter's, on the twenty seventh of January 1595, the third year (of our Pontificate).

The faculties granted to Menezes in this letter in accordance with the request of the Portuguese authorities can be grouped into four:

1. To inquire into the life, doctrine and morals of Mar Abraham. If from such inquiry he is found suspect of heresy he could be deported to Goa for a formal trial. The acts of the process should be sent to Rome for final decision.

2. To appoint a Vicar Apostolic from the Latin rite (if possible one knowing Syriac), in case Mar Abraham, being found guilty, is to be taken to Goa for a formal trial.

3. To inquire into the life of anyone else in the Archdiocese of Angamaly, suspected of heresy. He can be judged either by the Archbishop himself or by a Vicar Apostolic to be appointed by him.

4. To keep out anyone (bishops) coming to govern the Archdiocese of Angamaly during the absence or after the death of Abraham.

The second apostolic letter³⁴, dated 21 January 1597 reads as follows:

Venerabili fratri archiepiscopo Goano in Indiis Orientalibus. Clemens Papa VIII.

Venerabilis frater, salutem et apostolicam benedictionem.

Cupientes statui ecclesiae Angamalyensis opportune providere, fraternitati tuae ut — si contingat modernum archiepiscopum Angamalensem ab humanis decedere, ne dum eidem ecclesiae de alio pastore canonice providetur, illa propter temporis et locorum distantiam in spiritualibus vel temporalibus aliqua detrimenta sustineat — quamcumque personam ecclesiasticam prudentia, pietate, et doctrina insignitam, quae tibi idonea videbitur, in ipsius ecclesiae in eisdem spiritualibus et temporalibus vicarium apostolicum apostolica auctoritate constituere et deputare valeat, donec nos eidem ecclesiae de pastore providerimus, auctoritate praedicta, tenore praesentium facultatem concedimus. Non obstantibus constitutionibus ... quibuscumque. Datum Romae, apud Sanctum Petrum sub annulo Piscatoris, die 21 ianuarii 1597, pontificatus nostri anno quinto.

Pope Clement VIII, To Our Venerable Brother the Archbishop of Goa in the East Indies.

Venerable Brother, greetings and Apostolic blessing.

If the present Archbishop of Angamaly departs from this life, lest the Church of Angamaly may suffer any damage in spiritual and temporal matters on account of the distance in time and space while canonical provision is being taken for another pastor, in our desire to give opportune provision to the status of the same Church, by our apostolic authority and by the contents of this missive we concede to you our Brother, the faculty of appointing and constituting any ecclesiastical person of outstanding prudence, piety and doctrine who will seem suitable to you as Vicar Apostolic for the spiritual and temporal matters of this Church until we provide it with a pastor. Notwithstanding ... Given in Rome, in St. Peter's, the twenty first of January 1597, the fifth year of our Pontificate.

³⁴ This letter can be found in Archivio Brevi Apostolici, vol. 248, f. 245; printed versions, *Subsidium ad Bullarium Patronatus Portugalliae* ..., cited in n. 33, 11; Beltrami, *La Chiesa caldea*, 252-253.

This letter was written when news about the illness and probable death of Mar Abraham reached Rome. The content of this letter is crystal clear. Pope Clement VIII commissioned the Archbishop of Goa to appoint any ecclesiastical person of outstanding prudence, piety and doctrine as Vicar Apostolic to govern the Archdiocese of Angamaly, in case of Abraham's death. The Vicar Apostolic, contrary to the first brief, need not be of the Latin rite ("any ecclesiastical person"). The Vicar Apostolic will govern the vacant Church until Rome provides a pastor.

2.3.2. The Two Letters of the Pope and the Synod of Diamper

The principal mandate granted to the Archbishop in the first letter was to inquire into the life and doctrine of Archbishop Mar Abraham. Although information was gathered about Mar Abraham, he was not deported to Goa and no formal trial was conducted by the Goan inquisition. Since he was not deported to Goa for trial, no Vicar Apostolic was nominated in accordance with the first letter. Mar Abraham, the Archbishop of Angamaly died on 3 January 1597. So the mandate given in the first letter to investigate into his life and to nominate a Vicar Apostolic in case of his eventual deportation to Goa for a formal trial became irrelevant. Since the pope issued another letter after the death of Mar Abraham, logically it would seem that the first letter had to be considered as superseded. Even if we consider both letters together the faculties granted to Menezes are:

1. To appoint a Vicar Apostolic as per the second letter;
2. In virtue of the first letter to inquire into the case of any one suspected of heresy or error in the Church of Malabar;
3. To prevent the entry of any bishop into Malabar except the one appointed by the Holy See, as prescribed in the first letter.

In short the two letters which Menezes believed to have granted him the faculty to conduct the Synod of Diamper, state nothing about the convocation of a synod or any kind of assembly, convention or meeting.

Even Gregorio Magno Antão, who strove to defend the validity of the Synod of Diamper, could not find anything in these letters about the convocation of a synod; so he only could assert that such a mandate is implicitly conceded according to the mind of the Roman Pontiff. He states:

Clarum est in illis duobus Brevibus non fieri explicitam mentionem de potestate celebrandi Synodum Diamperitanam et in ea ferendi praecepta et statuta quaedam. Nobis tamen *videtur* illam potestatem iuxta mentem Pontificis, Brevia concedentis, deputatam fuisse.³⁵

It is difficult to believe that since the Pope enumerated explicitly and point by point (even minor things, especially in the first letter) what should be done in the Malabar Church, such a drastic and far reaching act like the convocation of a diocesan synod during the vacancy of a See, when nothing should be innovated (*Sede vacante, nihil innovetur*), is implicitly contained in the letters "iuxta mentem Pontificis." Antão also points out that the mandate to conduct the Synod of Diamper is implicitly contained in the faculty to nominate a Vicar Apostolic, since such a synod was necessary for the efficacy of the nomination.³⁶

One can only admit that the faculty to convoke the Synod of Diamper is implicitly contained in the letters of the Pope if the synod was a necessary means for the execution of any of the mandates granted to Menezes (the two letters taken together) by the Pope.

1. Nomination of the Vicar Apostolic

The principal mandate granted to Menezes is to nominate a Vicar Apostolic (both in the first and the second letter under different circumstances). According to the ancient tradition and custom of the St Thomas Christians, after the death of the bishop, the Archdeacon automatically becomes the canonical administrator of the diocese. In accordance with this tradition, in order to avoid all kinds of equivocation, a few days before his death, Mar Abraham canonically nominated Archdeacon George as the administrator of the Archdiocese of Angamaly after he had obtained permission from his patriarch.³⁷ Although Menezes attempted to nominate Francis Ros S.J. as the administrator, he confirmed the Archdeacon George as the Apostolic Administrator according to the recommendations of Ros himself and the other missionaries in Malabar.³⁸ He did not nominate any Vicar Apostolic before or after the Synod of Diamper. Hence the Synod of Diamper was not conducted in order to nominate a Vicar Apostolic. In the convocation letter or in the preliminary decree where the

³⁵ G. M. Antão, *De Synodi Diamperitanae natura atque decretis*, 46.

³⁶ G. M. Antão, *De Synodi Diamperitanae natura atque decretis*, 49.

³⁷ J. Kollaparampil, *The Archdeacon of All India: A Historico-Juridical Study*, Rome 1972, 207-212.

³⁸ For details, see J. Thaliath, *The Synod of Diamper*, 89-92.

scope of the synod is explained, nothing can be found about the nomination of a Vicar Apostolic. Similarly if we go through the acts of the synod, it is not possible to find even a single sentence about the appointment of a Vicar Apostolic or anything connected with it.

2. Inquiry and trial of any one suspected of heresy or error in the Church of Malabar. The first letter (if not superseded by the second) grants Menezes the faculty to conduct an inquiry personally or through the Vicar Apostolic to be appointed by him, about anyone suspect of error in faith. In the Synod of Diamper no such inquiry was made about anyone, no trial was conducted and nobody was adjudicated.

3. As Jonas Thaliath points out "There is no need to consider the third faculty invested in Menezes, namely to bar entrance into Malabar of any bishop other than the one sent by the Holy See. ... The Portuguese police were not only effectively screening all the passengers who reached Ormuz, the port through which the prospective Chaldean bishops had to come; they had even taken stringent measures to censor the correspondence between Malabar and Chaldea."³⁹ Even many years before the papal brief the Portuguese authorities did everything possible to hinder the entrance of Chaldean bishops in India.

So it is evident that these two letters, even if taken together, do not contain anything at all about the conduct of a synod or assembly; nor can such a faculty be deduced in any way from them.

3. IRREGULARITIES AND NON-CANONICAL PROCEDURES WHICH AFFECT THE VALIDITY OF THE SYNOD

1. The St Thomas Christians were constrained to participate in the Synod of Diamper. This is evident from the fact that the archdeacon and the priests of the Archdiocese of Angamaly were convoked to the synod *sub poena excommunicatione latae sententiae*. The convocation letter reads: "... by virtue of holy obedience, and upon pain of excommunication *latae sententiae*, We command the Reverend archdeacon of this diocese and all other priests of the same, that will not be hindered by age or some other just impediment, to be present in the said town of Diamper, therewith Us to celebrate a Diocesan

³⁹ J. Thaliath, *The Synod of Diamper*, 110.

Synod conformable to the Holy Canons."⁴⁰ Similarly, the second decree of the synod commanded all participants "by virtue of holy obedience and under pain of excommunication *latae sententiae*" not to depart from Diamper before the synod ended and they had signed the decrees thereof with their own hand (that is, if somebody left the synod without putting his signature, he would incur automatic excommunication).⁴¹ Menezes also forbade the participants by virtue of obedience and under pain of excommunication *latae sententiae* to meet together in groups with any persons, ecclesiastic or secular, as long as the synod was in session, to avoid what was called "unnecessary and hurtful debates."⁴² Thus it is clear that during the whole synod, from the convocation until the signing of the decrees, the members were under the threat of excommunication, which the St Thomas Christians feared most because they were practising Catholics and did not want to break communion with the Catholic Church.

2. There were no consultations nor discussions nor deliberations in the Synod. Even though in a diocesan synod the only legislative authority is the diocesan bishop, the participants should be permitted to express freely their opinions and considerations in order that the decisions may be synodal and not simply episcopal. But in the Synod of Diamper nothing of this sort happened. Since the members of the synod were not consulted and they did not understand many of the things prescribed by it, there was no form of a synod.

3. After the conclusion of the synod many canons and decrees were added by Menezes at will. Thaliath, after comparing the three Malayalam originals kept in the Vatican archives and the Portuguese version published by Gouvea in 1606, arrived at the conclusion that the Malayalam text is considerably shorter and the wording less offensive; it hardly at any time ascribes heresy proper to St Thomas Christians while the Portuguese text with the many additions and amplifications is nearly twice as long as the Malayalam one.⁴³ Prof.

⁴⁰ "... Mandamos em virtude da santa obediencia, e sob pena de excomunhão *latae sententiae*, ao reverendo arcediogo desde bispado, e a todos os mais sacerdotes delle que não tiverem legitimo impedimento de enfermidade, idade, ou outra inevitável occupação, se achem presentes aos ditos vinte dias do mês de Junho na igreja de Todos os Santos do dito lugar de Diamper para com nosco celebrarem o dito Synodo dioecetano" Gouvea, *Synodo Diocesano*, f. 1; Eng. tr. M. Geddes, *The History of the Church of Malabar*..., 93.

⁴¹ See the Synod of Diamper, session I, decree II.

⁴² See the Synod of Diamper, session I, decree V.

⁴³ J. Thaliath, *The Synod of Diamper*, 180.

Scaria Zacharia identified thirty-five new decrees that are found only in the Western versions, in addition to the elaborations and descriptions introduced here and there into the original decrees.⁴⁴

In order to corroborate the irregularities and non-canonical procedures mentioned above we draw on the letters of responsible and competent Portuguese missionaries who had first-hand information about what happened in the Synod. The context which enabled the missionaries to report the true story of the Synod of Diamper is also important and highly helpful to understand the letters. Perhaps convinced of the invalidity of the Synod of Diamper, Bishop Francis Ros, the first Latin Bishop of the St Thomas Christians, convoked another synod in Angamaly in 1603, in which many decrees of Diamper were altered or modified while others were left out. At this time Menezes was trying his best to get the Synod of Diamper approved by the Pope. In the context of the preparations of the new synod he was going to conduct, Francis Ros S.J., who had participated in the Synod of Diamper as an assistant to Menezes, wrote to the Jesuit General Claudio Aquaviva on 20 November 1603 about Diamper in the following manner:

When I was now going to make amendments in the Synod which His Excellency the Archbishop of Goa conducted here, as our experience has shown that there are many things in it that have to be changed, His Excellency wrote to me asking for signatures of the above-said synod to be sent to the Holy Father for confirmation. I have sent them to His Excellency with the views of our Fathers on the matter, pointing out to His Excellency that if His Holiness confirmed the above-said synod he would be placing all these Christians in a state of mortal sin, as they would not keep it; if His Holiness approved, I say, what has to do with practices in such a way as to make a law. As great evils would follow from such procedure, I request Your Paternity for the love of Our Lord, on receiving this information, to use your influence in the court of Rome so that this step, ruinous to souls, may be averted; and let the Holy Father be informed of it; let not these Christians say that we have duped them; for to tell you the entire truth, some of the canons of the above said synod the Archbishop himself added after the synod was over; not a single canon was discussed or altered, so much so that there was no form of a synod, and it cannot be said to contain anything more than directive principles; they heard them without understanding what was being said, as I can myself bear ample witness as also the other Fathers who understood the language. His Excellency many a time had said that the synod was intended merely to show them the way of their salvation without obstacles.

⁴⁴ Scaria Zacharia, *The Acts and Decrees of the Synod of Diamper 1599*, Edamattam 1994, 9.

This is what transpired within the Synod, and I have pointed out all this to His Excellency the Archbishop of Goa.⁴⁵

After holding a new synod at Angamaly in 1603 Bishop Ros wrote another letter to the same Jesuit General on 26 December 1603, in which he informed the General of the new synod and requested him to impede the presentation of the acts of the Synod of Diamper to the Holy Father (something which Menezes so highly desired) because the synod was not in form. We cite below the pertinent parts of this letter:

I conducted a diocesan synod at Angamaly this Advent to the satisfaction of all. The Christians renewed their oath of obedience to the Holy Father and abjured their former heretical beliefs. The present synod was conducted in due form and while many things were ordained for the good of these souls, former decisions were altered (which the Archbishop of Goa had taken when he came here); this was done at the insistence of the entire Christian community, who said that at that time they were not consulted on any point and that they did not understand many of the things prescribed by the first synod. This is so very true that the above-said Archbishop made by himself, even after the Synod was over, some canons which he added to the body of the synod. ... I understand that the Archbishop is sending his synod to the Holy Father in the current year; he had written to me to that effect. Your Paternity must ask the Father Procurator General to negotiate with the eminent cardinals to impede the presentation of the above-said synod. It is not in form; besides it contains many

⁴⁵ Archivium Romanum Societatis Iesu (hereafter ARSI), Goa-Mal. 15, f. 155-156^v; Thaliath, *The Synod of Diamper*, 130-131: "Estando agora para recopilar la synodo que el Sr. Arcebispo de Goa celebró aqui por haver muchas cosas que la experiencia nuestra haverense de mudar, el dicho Señor me mandó pedir las firmas de la dicha synodo por la mandar a Su Sd., que la confirme. Yo las mandé a su Sa. con parecer de los padres nuestros advertindo al dicho Señor que si su Sd. confirmava la dicha sinodo, ponía en estado de pecado mortal a todos estos christianos, porque no la guardarian, confirmar digo lo que pertenece a las costumbres, de modo que se haga ley, de lo que se siguen grandes males por lo que pido por amor de N. Sr. a V. Pd. esté advertido tambien desto, porque se obvie a este danno de las almas, nessa corte, y esté su Sd. informado, e no digan estos christianos o que los engañamos porque si se ha de dezir la verdad por entero, algunos de los canones de la dicha synodo, hizo el mismo señor Arcebispo despues de la synodo acabada, e ninguno de los canones fue preguntado ni alterado, de modo que forma de synodo no la uvo, mas que hazer reglas directivas y escrevir las, y ellos oyren sin hazer concepto de lo que se dezia, como io soy muy bien testimonio, como los mas padres que entendiamos la lengoa, y su Sa. dezia muchas vezes, que no hazia aquello, si no por mostrarles el camino de su salvacion sin impedimento. Esto es lo que passa en el negocio de la synodo, de lo que todo advertí al Señor Arcebispo de Goa."

things we have abandoned in the present synod as they were unbearable to these Christians...⁴⁶

In addition to the letters quoted above, another letter of Francis Ros S.J., written to the Portuguese Jesuit Assistant, John Alvarez on 27 December 1603 is very much revealing:

The Archbishop of Goa, I think, intends to send to Rome the synod he conducted at Diamper when he came here, because he has written to me asking for signatures which I was keeping. It was no synod since no consultation was made and the Christians were unaware of what was being enacted. If they put their signatures, it was due to my importunity. Hence the Synod should on no account be presented to the Holy Father. Moreover, in the present Synod some unbearable provisions of the former, about which the Christians had no knowledge, were dropped; and the Archbishop himself made some canons even after the synod and the Christians were unaware of them. Hence the promoters of the present synod asked for a copy of the former and some of the provisions were changed as it seemed necessary to all the Fathers.⁴⁷

John Campori, who was present at the Synod of Diamper and was an eye-witness of all the happenings, wrote to John Alvarez, the Portuguese Assistant to the Jesuit General in Rome on 1 January 1604 in the following manner:

⁴⁶ ARSI, Goa-Mal. 15, f. 176-177^v; Thaliath, *The Synod of Diamper*, 131-132: "En este adviento hize synodo diocesana en este Angamalle con mucho contentamiento de todos, donde se juró de nuevo obediencia a S. Sanctidad y se abjuraron las heregias antiguas, ye se hizo synodo en forma, donde se ordenaron muchas cosas de grande bien para estas almas, ye se mudaron otras (que ordenó el Arcebispo de Goa quando aqui vino) por lo pedir assi toda la cristianidad diciendo que no se consultó entonces con ellos cosa alguna, ni entendieron muchas que en la primera synodo se mandaron. Lo qual es tanta verdad que aun despues el dicho Arcebispo hizo por si mismo algunos canones despues de acabada la synodo, y los ayuntó al cuerpo de la dicha synodo. ... El Arcebispo entendo que manda este año su synodo a S. Sanctidad porque assi me lo escrevio. V. Pd. deve mandar al Padre Procurador general que haga con los illmos. Cardenales que se impida mostrarse la dicha synodo, pues no está en forma, y tiene muchas cosas se quitaron en esta, incompartales a estos christianos..."

⁴⁷ ARSI, Goa-Mal. 15, f. 179; Thaliath, *The Synod of Diamper*, 133: "O Arcebispo de Goa cuidio que quer mandar a Roma a synodo que elle fez no Diamper quando câ veio. Porque me mandou pedir as firmas della que eu tinha & como auquella synodo não o foi, porque se não consultou nada, nem os christãos fizeram conceito della e se firmarão nella foi por minha importunação, não convem per nenhum cazo que se apresente à sua Sanctidade, pois nesta d'agora se tirarão algumas cousas della que erão insufri-veis, e os christãos não souberão dellas e ainda o mesmo Arcebispo fez algunos canones, dêpois da synodo acabada, que os christãos não souberão. Pello que os promotores desta Synodo d'agora pedirão mostra da outra, e mudarãose algumas cousas, que a todos os padres precció ser assi necessario."

Now I should not like to leave out here a thing of great importance, namely that when the Archbishop of Goa came to visit this Malabar, he conducted a council, to tell the truth, with little form and order of a council; and of his own accord, even afterwards, added some things which were never read in public. And much of what was read, was done in such hurry and confusion that the Christians did not understand, nor consequently accept it... But now that we can proceed with more leisure, it seemed necessary to all the Fathers that the bishop should convoke again a synod in which things could be settled with good order and deliberation... This diocesan synod conducted with all prescribed formalities, the Bishop will be sending to His Holiness next year, it is necessary, and I think His Excellency will also be writing to Your Reverence, that Rome be warned that the Archbishop is sending this year the synod he conducted, to be presented to the Pope; but it should on no account, be approved, as it contains some provisions which are detested by the entire Christian community, since they are impossible to observe and the Christians never understood them.⁴⁸

Albert Laerzio, the Vice Provincial of the Vice Province of Malabar in his letter of 15 January 1604 addressed to Claudio Acquaviva, the Jesuit General in Rome, confirms the irregularities:

Although he [Bishop Francis Ros] has no great natural talent for administration, his great virtues and compliance compensate for this defect, and Our Lord is favouring him in everything. This year he convoked and concluded a synod to the great contentment and satisfaction of all. In it, all the clerics who numbered over 300 and the heads of the people vowed obedience to the Roman Church with great concord. Since the Synod which the Archbishop of Goa convoked was not read to the convoked and since the assembled did not understand what had been settled in it, as the Archbishop added many things of his choice, in the present one some provisions were revoked and others were confirmed; so much so, it was

⁴⁸ ARSI, Goa-Mal, 15, f. 182; Thaliath, *The Synod of Diamper*, 134: "Porem não queiro deixar de apontar huma cousa de muita emportança e hê que quando o Arcebispo de Goa veio a visitar esta Serra fez hum concilio, e, per fallar verdade, com pouco modo e ordem de concilio, acrescentando ainda depois a sua vontade algumas cousas que nunca se lerão em publico, e muitas que se lerão foy com tanta pressa e confusão que nem os Christãos as perceberão nem pollo conseguente as receberão... Mas agora que se procede com mais liberdade pareceo a todos os padres necessario que o Senhor Bispo outra vez ajuntasse o Concilio, no qual se essentassẽ as cousas com boa ordem e madureça... Este concilio diocesano, feito com todas as circumstancias o anno que vem o Sr. Bispo o mandará s S. Sde., porque agoura não he possivel, e como S. Sra tãobem cuidou que escreve a V. R. he necessario que advertião lá que o Arcebispo este anno manda o que elle fez, para se apresentar ao Papa, o que não convem de nenhuma maneyra que se aprove, por ter algumas cousas que toda a christandade repugna aceitar, por ser impossiveis e que nunca entenderão".

determined when I was in Rome that it should not be presented to the Pope; and it is good that it is not presented....⁴⁹

These official letters written by highly competent persons to their superiors in Rome are more than enough to establish the fact that the Synod of Diamper was not conducted according to the norms of the "sacred canons."

4. PAPAL APPROBATION OF THE SYNOD

In the first millennium, particular councils were convoked and laws were promulgated in harmony with the decrees of the ecumenical councils without any approval or confirmation by the Holy See. From the eleventh century onwards restrictions were introduced for the celebration of provincial and plenary councils. After the Council of Trent, Pope Sixtus V, with the publication of the bull *Immensa aeterni* on 11 February 1587 prescribed the transmission of all decrees and laws of provincial and regional (plenary, national) councils to the Sacred Congregation of the Council for revision and confirmation.⁵⁰ However, no such revision nor confirmation by Rome was required for diocesan synods; and even when the acts of diocesan synods were sent to Rome, usually the Sacred Congregation of the Council refused to examine them.⁵¹ Such is the norm and practice also today. Since the Synod of Diamper was only a diocesan Synod no approval nor confirmation of the Pope or the Apostolic See was needed for its validity, if it were convoked by a legitimate diocesan

⁴⁹ ARSI, Goa-Mal. 15, f. 209; Thaliath, *The Synod of Diamper*, 136-137: "Posto que não tenha [Francisco Ros] tanto talento natural pera o governo, mas a muita virtude, que tem, e facilidade supre esta falta e Nosso Senhor o vay em tudo favorecendo. Ajuntou este anno sinodo e o acabou com grande contentamento e satisfação de todos no qual assy os ecclesiasticos todos que passão de trezentos como as cabeças dos povos, juravão obediencia a Igreja Romana com grande conformidade. E porque o sinodo que o Arcebispo de Goa, Dom Aleixo de Menezes, fez, não se tornou ler aos congregados, nem souberão o que tinham nelle determinado pollo Arcebispo ajuntar muitas cousas suas, agora neste retratarão algumas cousas e concetarão outras, de modo que foy cousa acertada, não se apresentar ao Papa, quando eu la estive, e he bem que não se lhe presente...."

⁵⁰ Pope Sixtus V, the bull *Immensa aeterni*, 11 February 1587, in *Bullarium Romanum*, tom. VIII, 1863, 991; cf. also P. Hinschius, *System des Katholischen Kirchenrechts mit Besonderer Rücksicht auf Deutschland*, vol. 3, Berlin 1883, 653-654.

⁵¹ Benedict XIV, *De Synodo Dioecesana*, lib. XIII, cap. III, 6-7.

bishop and conducted according to the norms of canon law.⁵² We treat this matter here only because some strove to demonstrate that Pope Clement VIII in the letter *Divinam Dei* of 19 May 1601 ratified or confirmed the Synod of Diamper.⁵³

After the conclusion of the synod Menezes made strenuous attempts to obtain at least an apostolic blessing or praise from the pope for his great works in the Malabar Church. Many letters and reports about the happy and successful conclusion of the synod in accordance with the sacred canons were also forwarded to Rome. The Pope was informed that the St Thomas Christians were brought back to the Catholic faith and to the obedience of Rome. Albert Laerzio, the Procurator of the Jesuits, commissioned by Menezes, submitted a report about the Synod of Diamper to the Holy Father through Cardinal Santori on 29 March 1601, in which an apostolic blessing or praise from the Pope was earnestly requested for the whole Christian community which accepted the Roman Pontiff as the head of the Church.⁵⁴ It is in response to this request that the Pope issued the letter *Divinam Dei* of 19 May 1601, in order to congratulate and encourage the St Thomas Christians who "promised obedience to him."⁵⁵ In this letter, addressed to the "venerable brother, the Archbishop of Angamaly (at that time Francis Ros S.J.) and to the clergy and Christian people converted by St Thomas, the Apostle," the Pope makes a simple passing reference to the Synod of Diamper, in which (he was made to believe) that the St Thomas Christians "abandoned the schism and accepted the jurisdiction of the pope." We quote the relevant part of this letter:

Wherefore we are filled with great joy and pleasure in the Lord on hearing from many such letters that have been copiously sent to us (*de litteris hoc de genere copiose scriptis*) and on coming to know therefrom that our Venerable Brother the Archbishop of Goa, prompted by his devotion and zeal for the salvation of souls, has conducted a well-attended Synod of

⁵² Cf. Fonti, fasc. VIII: *Studi Storici sulle fonti del diritto canonico orientale*, Rome 1932, 705; G. Beltrami, *La chiesa Caldea nel secolo dell'Unione*, 83; C. De Clercq, *Histoire des Conciles*, t. XI, 67.

⁵³ J. F. Raulin, *Historia Ecclesiae Malabaricae cum Diamperitana Synodo*, Rome 1745, 58; L. V. Pastor, *Storia dei Papi*, vol. XI, 498; G. M. Antão, *De Synodi Diamperitanae...*, 76-82.

⁵⁴ For details see Thaliath, *The Synod of Diamper*, 118-122; Beltrami, *La Chiesa caldea ...*, 242.

⁵⁵ Archivum Vaticanum Armarium 44, n. 45, ff. 131-135; *Corpo Diplomático Português*, vol. XII, 99-102.

your priests with the presence of most respectful laymen of your nation. In the Synod, under the inspiration of the Holy Ghost and with overwhelming consensus of opinion, the nefarious errors of Nestorius have been rejected, anathematized and condemned by you, even as they had been already rejected, anathematized and condemned by the Holy See and the Ecumenical councils; books containing the contagion and venom of heretics were thrown into the fire or purged of errors lest they should ruin souls; but what is of utmost importance is that you have accepted and professed the Roman Pontiff as the common Father of the faithful and the Head of the whole Church and have given him due obedience, as the kings, princes and all the Catholics render, for they cannot be Christ's sheep if they do not obey (Peter), to whom Christ himself the eternal Pastor entrusted his sheep to be fed, to whom he gave the keys of the kingdom, the supreme power of binding and loosing and whom he established as the strong and unmoveable rock of God, the edifice of the Church.⁵⁶

It is evident that this letter contains nothing but a simple praise or blessing directed to the whole Christian community (not to Menezes) for the things accomplished in the Synod, as requested in "many such letters that have been copiously sent to us," and no formula of a canonical approval of the Synod.⁵⁷ Antão, who set out to defend the validity of the Synod of Diamper, resorted to the theory of implicit approval since he could not find anything explicit about the approval of the synod in the pope's letter. He states:

Non fuit illa quidem explicite approbata, cum Pontifex totidem verbis non dixerit: *approbamus synodum Diamperitanam*; sed sine dubio fuit approbata *implicite*, licet generice, quia Pontifex Archiepiscopum goanensem

⁵⁶ *Corpo Diplomático Português*, vol. XII, 101: "... Quare magno gaudio magna in Domino voluptate repleti sumus, cum ex litteris hoc de genere copiose scriptis audivimus et cognovimus venerabilem fratrem archiepiscopum Goae, pro sua pietate et zelo divini honoris et salutis animarum vestrarum, synodum apud vos frequentem celebrasse sacerdotum vestrorum, praesentibus etiam viris primariis ex natione vestra, qua in Synodo Spiritus Sancti instinctu magno animarum consensu impii errores Nestorii a vobis rejecti et anathemate condemnati sunt, quemadmodum jampridem ab hac Sancta Apostolica Sede ab oecumenicis conciliis hujus quoque Sanctae Sedis congregatis reiecti, damnati et anathematizati sunt, tum libri haereticorum peste ac veneno infecti ne animas interficerent, igne sunt exusti alique ab erroribus expurgati, sed illud maximi momenti quod Romanum Pontificem communem fidelium Patrem totius Ecclesiae caput agnovistis et professi estis, eique debitam obedientiam detulistis quam ei Reges et Principes et omnes Christiani unanimes praestant et deferunt, non enim esse possunt ex ovibus Christi, qui tebro (*sic*) non obediunt, cui Christus ipse aeternus Pastor agnos, et oves suas pascendas tradidit, cui claves Regni coelorum, et summam ligandi, et solvendi potestatem dedit, quem denique firmam, et immobilem Dei petram, et Ecclesiae aedificationem constituit...."

⁵⁷ Beltrami, *La Chiesa caldea...*, 124-125; C. De Clerc, *Histoire des Conciles*, t. XI, 67.

Synodum illam celebratam laudibus culmavit.... Igitur synodus celeberrima Diamperensis, de cuius approbatione iam diversimode auctores loquuntur, fuit a Clemente VIII approbata. Approbata quidem implicite; sed approbatio implicita est vera et propria approbatio. Quae vero, cum in forma communi et generica data sit, non continet approbationem singulorum decretorum Synodi; quae eundem valorem habent, ac haberent sine illa laude et generica approbationem pontificia.⁵⁸

However, in our opinion, this letter contains only a simple apostolic blessing, which has nothing to do with a formal juridical approval or confirmation of the Synod in the canonical sense, because of the following reasons:

1. In the report submitted to the pope no approval or confirmation of the synod was requested but only an apostolic blessing for the whole Christian community. Therefore, what was granted was a general praise for the things accomplished in Malabar, which has no juridical relevance. Even Gouvea, the Portuguese historian states only that "His Holiness sent his apostolic blessing to the Archbishop in token of his great appreciation of the labour he had undertaken for the good of these souls."⁵⁹ It is to be particularly noted that this letter was not sent to Archbishop Menezes as Gouvea states, but to the community of St Thomas Christians.

2. No approval nor confirmation of the Holy See was required for diocesan synods. Therefore, it would be difficult to believe that the Pope formally approved this particular diocesan synod, for which no such approval was required. Hence, authors like A. Coussa, Giamil, Karoloveskij, Beltrami, De Clercq are of the opinion that Synod of Diamper was never approved by the Pope.⁶⁰

3. Approbation was never granted to any synod before the competent authority (at that time the Sacred Congregation of the Council) had examined and corrected the acts and decrees in order to ensure their conformity with the common law and with the norms of sound reason, justice and canonical equity.⁶¹ But before the date of the papal letter *Divinam Dei* (19 May 1601) the acts of the synod were not presented to the Pope nor to Apostolic See because they were not yet

⁵⁸ G. M. Antão, *De Synodi Diamperitanae natura atque decretis*, 82.

⁵⁹ Gouvea, *Jornada do Arcebispo de Goa*, f. 130.

⁶⁰ For the opinions of various authors, see Thaliath, *The Synod of Diamper* 114-117.

⁶¹ Wernz, *Ius Decretalium*, t. II, pars ii, 835; Wernz - Vidal, *Ius Canonicum*, II, *De personis*, 577-578.

translated into Latin. Albert Laerzio who was commissioned by Menezes to obtain an apostolic praise from the Pope states in his report to the Pontiff: "The Archbishop of Goa has written a letter to his Holiness on this subject and gives information about the state of the Church. He has also forwarded the acts of the said council which are being translated into Latin and will be presented to His Holiness on completion of the translation."⁶² Albert Laerzio, who later became the Vice Provincial of the Vice Province of Malabar, states clearly in his letter of 15 January 1604 addressed to the Claudio Acquaviva, the Jesuit General in Rome, what happened to the acts which were being translated into Latin:

... Since the Synod which the Archbishop of Goa convoked was not read to the convoked and since the assembled did not understand what had been settled in it, as the Archbishop added many things of his choice, in the present one some provisions were revoked and others were confirmed; so much so, it was determined when I was in Rome that it should not be presented to the Pope; and it is good that it is not presented....⁶³

Since Rome never approves a synod before the examination and correction of its acts and decrees, it is unthinkable that the Pope approved the Synod of Diamper even implicitly, the acts of which were not presented to him.

4. Neither Menezes himself nor the Portuguese missionaries considered the letter *Divinam Dei* of Pope Clement VIII as a formal approval of the Synod of Diamper. In the three letters of Bishop Francis Ros cited above concerning the irregularities in the synod written more than two years after the letter *Divinam Dei* (letters of Francis Ros on 20 November 1603 and 26 December 1603 addressed to the Jesuit General and the letter to John Alvarez on 27 December 1603) and in the letter of John Campori, dated 1 January 1604, (that is, two years and seven months after the papal letter) earnest request was made to the authorities in Rome to impede the presentation of the Acts of the Synod of Diamper to the Pope, since at that time Menezes was trying to send them to the Holy See for approval. Therefore, it is evident that even Archbishop Menezes, Bishop Francis Ros and other Portuguese missionaries did not regard the papal letter *Divinam Dei* as a formal canonical approval of the Synod.

⁶² Archivio de Propaganda Fide, Miscel vol. 17, f. 23-27v; Thaliath, *The Synod of Diamper*, 122.

⁶³ See note 49.

CONCLUSION

The Synod of Diamper was a diocesan synod convoked and presided over by a Latin Ordinary without any special mandate from the supreme authority of the Church, in the Archdiocese of Angamaly, that is in an Eastern Church. Furthermore, it was conducted during the vacancy of the said See, when nothing should be innovated (*Sede vacante nihil innovetur*), under pain of excommunication *latae sententiae*, contrary to the norms of the canon law of that time.

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